UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

| DARYL LEE MADDEN |] | |
|-----------------------|---|----------------|
| Petitioner, |] | |
| |] | |
| v. |] | No. 3:05-1095 |
| |] | Judge Campbell |
| ROBERT WALLER, WARDEN |] | |
| Respondent. |] | |

ORDER

The Court has before it a *pro se* § 2254 petition (Docket Entry No. 1) for writ of habeas corpus and the respondent's Answer (Docket Entry No. 9) to the petition.

In accordance with the Memorandum contemporaneously entered, the Court finds that the petitioner has failed to state a claim upon which habeas corpus relief can be granted.

Therefore, the petition is DENIED and this action is hereby DISMISSED. Rule 8(a), Rules -- § 2254 Cases.

Should the petitioner file a timely notice of appeal from this order, such notice shall be treated as an application for a certificate of appealability, 28 U.S.C. § 2253(c), which will NOT issue because the petitioner has failed to make a substantial showing of the denial of a constitutional right.

It is so ORDERED.

Todd Campbell

United States District Judge